

### REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on August 24, 2005, the Examiner rejected claims 1, 5-13, 21, and 23-25 under 35 U.S.C. §102(e) as being anticipated by Huang et al., U.S. Patent No. 6,571,245 (“Huang”). The Examiner further rejected claims 2-4, 14-19, and 22 under 35 U.S.C. §103(a) as being unpatentable over Huang further in view of Yohe et al., U.S. Patent No. 6,339,787 (“Yohe”). The Examiner also rejected claims 20 and 26 under 35 U.S.C. §103(a) as being unpatentable over Huang and Yohe further in view of Schlueter, Jr. et al., U.S. Patent No. 6,122,351 (“Schlueter”). Accordingly, Applicants respectfully provide the following.

#### Oath/Declaration

Pursuant to 37 CFR 1.111 (b) Applicants request that the request for a new oath/declaration, a formal matter, be held in abeyance until allowable subject matter is indicated. See MPEP 714.02 (8th Ed., Rev. 3, August 2005)(“presentation of a new oath and the like are generally considered as formal matters”).

#### Claim Rejections under 35 U.S.C. §102(e).

In the Office Action, the Examiner rejected claims 1, 5-13, 21, and 23-25 under 35 U.S.C. §102(e) as being anticipated by Huang. In response, Applicants amended independent claims 1, 8 and 21 and submit that the cited reference does not teach every aspect of the amended claim set as provided herein and therefore does not anticipate the claims of the present invention. Verdegall Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987).

Huang does not teach or suggest the use of a smart cache controller. In the Office Action on page 7, the Examiner indicated that Huang fails to teach a “smart cache controller to manage information accessed by one or more clients.” Applicants amended independent claims 1, 8 and

21 to include this limitation. Accordingly, Applicants respectfully submit that Huang does not teach or suggest the limitations as recited in the independent claims of the present invention. In addition, the dependent claims place further limitations on otherwise allowable subject matter. Consequently, Applicants respectfully submit that the amended claims of the present invention are allowable and request the withdrawal of this rejection.

Claim Rejections under 35 U.S.C. §103(a).

The Examiner rejected claims 2-4, 14-19, and 22 under 35 U.S.C. §103(a) as being unpatentable over Huang further in view of Yohe. The Examiner also rejected claims 20 and 26 under 35 U.S.C. §103(a) as being unpatentable over Huang and Yohe further in view of Schlueter. In response, Applicants amended claims 2, 4, 14 and 22 and provide the following remarks.

An invention is unpatentable under Section 103 “if the differences between the subject matter sought to be patented over the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.”

To establish a *prima facie* case of obviousness, three criteria must be met. “First, there must be some suggestion or motivation . . . to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP § 2142.

Applicants amended claims 2, 14 and 22 adding an asynchronous-related limitation to each. Applicants respectfully submit that the prior art fails to teach or suggest this limitation. For instance, in the current Office Action, the Examiner cited column 18, lines 27-46 for claims

15's reference to "asynchronous." However, this citation mentions nothing related to "asynchronous." Instead, this reference merely recites a list of various databases included in the Huang invention and a short description of each. In contrast, the present invention's disclosure says that "[i]n all events, it is intended that the updates to the data store and from the data store be done asynchronous with other instructions executed over the network." See page 4, lines 23-25 (emphasis added). In addition, the present invention says:

Each information request and response operates in an asynchronous manner. The use of an asynchronous transport protocol enables the processor to perform other operations while the requests are pending. This allows the processor to be active in all aspects without being captive by a busy wait typically found in synchronous transport protocols.

See page 11, lines 17-20 (emphasis added). Thus, because the prior art fails to teach or suggest all the claim limitations of the present invention, Applicants' claims are not obvious in view of the prior art references. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 2-4, 14-19, 20, 22 and 26 under Section 103.

CONCLUSION

If any impediments to the allowance of this application for patent remain after the above amendments and remarks are entered, the Examiner is invited to initiate a telephone conference with the undersigned attorney of record.

DATED this 25 day of November, 2005.

Respectfully submitted,



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